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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,743	12/19/2001	Yim Sook Jia	205,426	4295

7590 03/23/2004
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EXAMINER

FONTAINE, MONICA A

ART UNIT PAPER NUMBER

1732

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No. 10/024,743	Applicant(s) JIA, YIM SOOK	
	Examiner Monica A Fontaine	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 13-18, 25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/694,409.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Applicant's election of claims 7-12 and 19-24 in the paper filed 25 February 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-12 and 19-24 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Laibinis et al. (U.S. Patent 6,284,317).

Laibinis et al., hereafter "Laibinis," show that it is known to have a product made of a formerly molten material (Column 2, lines 45-64). It is herein noted that the method of making a product or a system for making a product is not considered as being a limitation of a product-by-process claim, unless there is a particular structure conveyed to the product as a result of a specific

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method (See MPEP 2113, 2173.05(p)). In this application, it is not evident that any particular method steps or apparatus features have a novel effect on the product of those steps or features. If it is not inherent, then it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to produce Laibinis' product using a manufacturing method and system because the product produced by Laibinis' method would structurally be the same as that which is claimed by applicant.

Claims 7-12 and 19-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Matsuo et al. (U.S. Patent 3,968,309). Matsuo et al., hereafter "Matsuo," show that it is known to have a product made of a formerly molten material (Abstract; Column 1, lines 6-11). It is herein noted that the method of making a product or a system for making a product is not considered as being a limitation of a product-by-process claim, unless there is a particular structure conveyed to the product as a result of a specific method (See MPEP 2113, 2173.05(p)). In this application, it is not evident that any particular method steps or apparatus features have a novel effect on the product of those steps or features. If it is not inherent, then it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to produce Matsuo's product using a manufacturing method and system because the product produced by Matsuo's method would structurally be the same as that which is claimed by applicant.

Claims 7-12 and 19-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Taruno et al. (U.S. Patent 5,968,152). Taruno et al., hereafter "Taruno," show that it is known to have a product made of a formerly molten material (Abstract; Column 3, lines 5-10). It is herein noted that the method of making a

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product or a system for making a product is not considered as being a limitation of a product-by-process claim, unless there is a particular structure conveyed to the product as a result of a specific method (See MPEP 2113, 2173.05(p)). In this application, it is not evident that any particular method steps or apparatus features have a novel effect on the product of those steps or features. If it is not inherent, then it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to produce Taruno's product using a manufacturing method and system because the product produced by Taruno's method would structurally be the same as that which is claimed by applicant.

Claims 7-12 and 19-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Komai et al. (U.S. Patent 6,099,953). Komai et al., hereafter "Komai," show that it is known to have a product made of a formerly molten material (Abstract; Column 1, lines 7-25). It is herein noted that the method of making a product or a system for making a product is not considered as being a limitation of a product-by-process claim, unless there is a particular structure conveyed to the product as a result of a specific method (See MPEP 2113, 2173.05(p)). In this application, it is not evident that any particular method steps or apparatus features have a novel effect on the product of those steps or features. If it is not inherent, then it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to produce Komai's product using a manufacturing method and system because the product produced by Komai's method would structurally be the same as that which is claimed by applicant.

Claims 7-12 and 19-24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Matsumoto et al. (U.S. Patent 6,506,335).

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Matsumoto et al., hereafter "Matsumoto," show that it is known to have a product made of a formerly molten material (Abstract; Column 1, lines 52-67; Column 2, lines 1-8). It is herein noted that the method of making a product or a system for making a product is not considered as being a limitation of a product-by-process claim, unless there is a particular structure conveyed to the product as a result of a specific method (See MPEP 2113, 2173.05(p)). In this application, it is not evident that any particular method steps or apparatus features have a novel effect on the product of those steps or features. If it is not inherent, then it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to produce Matsumoto's product using a manufacturing method and system because the product produced by Matsumoto's method would structurally be the same as that which is claimed by applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianne can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 12, 2004



MICHAEL COLAIANNI
PRIMARY EXAMINER